

Joint MDHHS & SCAO Rapid Permanency Project – Child Protective Proceedings

The project aims to ensure that children in foster care return home as quickly and safely as possible during the COVID-19 health crisis to prevent unnecessary delays in family reunification. MCL 712A.19(11) and MCR 3.975(H) allow the court to issue an order returning a child home from foster care without a court hearing.

A press release titled *MDHHS and Courts Partner to Return Children Home from Foster Care during COVID-19* can be found here: https://courts.michigan.gov/News-Events/press_releases/Documents/Press%20Release%20-%20Rapid%20Reunification_FINAL.pdf

Agency Plan of Action

MDHHS identified foster care cases with a goal of reunification and in which at least one parent has unsupervised parenting time, and asked their local offices and private agencies to coordinate a review of the cases to determine if it would be safe to return the children home within the next 30 days. MDHHS established the following assessment criteria:

- length of time of unsupervised visits
- impact of unsupervised visits on the child and parent
- placement of siblings
- whether the parent(s) have been engaged in treatment plan(s)
- remediation of removal reason(s)
- services needed in the home and the community to support safe unsupervised visits or discharge

Each case identified for rapid permanency will have a child-specific safety plan that includes regular reviews of in-home services, post-reunification contact with the family, and coordination with service providers. Agency attorneys will work with the parent attorneys and lawyer guardians ad litem to obtain a stipulated court order to return the child home without a court hearing, as appropriate.

Recommendations for Judicial Review of Rapid Permanency Cases

A small group of juvenile court judges developed the following criteria that courts may want to consider when a rapid reunification case is brought to their attention:

- Is it safe to return the child home? If not, what are the specific safety risks?
- Has the parent benefited from the services provided?
- Are there any unresolved, critical issues of the parent? How critical?
- Does the parent have stable housing?
- Is the child-specific plan sufficient to ensure the child's safety?
- What does the LGAL recommend?
- A parent does not have to be "perfect" to have his or her children returned home. MCL 712A.19(8) requires the court to return a child home if it would not cause a "substantial risk of harm to the child".
- The court may want to consider holding a dispositional review hearing after reunification occurs to ensure the reunification remains safe and that the families' needs are being met, prior to terminating court jurisdiction.